

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION

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ZACHARY BOUVIER TAYLOR,

Petitioner

VS.

CENTRAL STATE HOSPITAL, *et al.*,

Respondents

NO. 5:05-cv-74 (WDO)

**ORDER**

U.S. DISTRICT COURT  
MIDDLE DIST. OF GEORGIA  
MACON, GEORGIA

Before the Court is petitioner **ZACHARY BOUVIER TAYLOR'S** notice of appeal (Tab # 25) from the Court's June 28, 2006 order, which adopted Magistrate Judge Claude W. Hicks's recommendation that petitioner's 28 U.S.C. § 2241 motion be denied. The Eleventh Circuit Court of Appeals has mandated that the Court construe petitioner's notice of appeal as an application for a certificate of appealability ("COA") pursuant to 28 U.S.C. § 2253(c). *Edwards v. United States*, 114 F.3d 1083 (11th Cir. 1997). Under section 2253(c), a COA may issue only if the applicant has made a substantial showing of the denial of a constitutional right. For the reasons stated in Magistrate Judge Hicks's recommendation and this Court's order accepting the same, the Court finds that petitioner has not made a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2). Accordingly, the application for a COA is **DENIED**.

Also before the Court is petitioner's motion for leave to proceed *in forma pauperis* on appeal (Tab # 26). Said motion is **DENIED AS MOOT**.

**SO ORDERED**, this 30<sup>th</sup> day of August, 2006.

*Wilbur D. Owens, Jr.*  
WILBUR D. OWENS, JR.  
UNITED STATES DISTRICT JUDGE